

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

GLEN KERLEY

PLAINTIFF

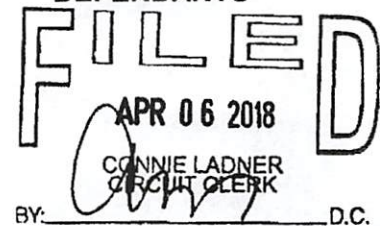
vs.

CAUSE NO. H2402-2018-35

TORRENCE "LITTLE BOOSIE" HATCH;
LARRY ANDERSON; JOHN AND
JANE DOES 1-10; XYZ COMPANIES 1-10

DEFENDANTS

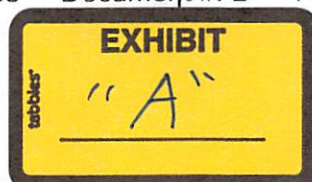
COMPLAINT
JURY TRIAL DEMANDED



COMES NOW Glen Kerley, through his attorney, David Krause of Krause
Lawdog, LLC, and files this Complaint against the Defendants as follows:

1. PARTIES

- a. Glen Kerley is an adult resident of Jackson County, Mississippi.
- b. Torrence "Little Boosie" Hatch is an adult resident citizen of Atlanta, Georgia.
- c. Larry Anderson is an adult resident citizen of Baton Rouge, Louisiana.
- d. John and Jane Does 1-10 are unknown individuals who may have caused or contributed to the events described herein which proximately caused the Plaintiff's damages. All allegations in this Complaint are incorporated by reference against John and Jane Does 1-10. Such individuals will be joined in this action in accordance with the Rules of Civil Procedure upon discovery of their identities.
- e. XYZ Companies 1-10 are unknown companies who may have caused or contributed to the events described herein which proximately caused the Plaintiffs damages. All allegations in this Complaint are incorporated by reference against XYZ



Companies 1-10. Such companies will be joined in this action in accordance with the Rules of Civil Procedure upon discovery of their identities.

2. JURISDICTION AND VENUE

This Court has jurisdiction over this action since the incident at issue occurred within the Second Judicial District, and this court is also the proper venue.

3. FACTS

1. On April 9, 2017, the Plaintiff was assaulted and battered by the Defendants and/or each of them.
2. The Plaintiff, in the course and scope of his employment with Dillards, Inc., responded to a crowd of men, including the Defendants, who were entering Dillards from inside the mall.
3. The men were being evicted from the mall, and were in an excited, agitated state.
4. The Plaintiff met the men near the perfume counters, inside Dillards, near the entrance from inside the mall.
5. The Plaintiff attempted to have the Defendants and the others continue to move through the store in order to have them exit through the south exit of Dillards.
6. The Defendants were combative, and refused to obey the Plaintiff's directions to continue to move toward the south exit.
7. The Defendants and/or each of them attempted to provoke the Plaintiff into fighting him near the perfume counter.
8. The Defendants and/or each of them attempted to fight the Plaintiff.
9. The Plaintiff employed pepper spray on the provocateur in order to diffuse the fight.

10. The Plaintiff managed to get the Defendants to the south entrance.
11. Near the south entrance, the Defendants and/or each of them repeatedly punched the Plaintiff.
12. The Plaintiff did not attempt to strike the Defendants, despite having been punched by them and/or each of them.
13. While the Plaintiff was in the atrium, between the inner and outer doors at the south exit, the Defendants and/or each of them again punched him. The Defendants and/or each of them then ran outside the south exit.
14. The Plaintiff's sole concern during the entire incident was getting the Defendants out of Dillards so as to not put Dillards employees and customers at risk of being harmed, because the Defendants intended to harm the Plaintiff and/or others.
15. The Plaintiff pursued in order to arrest the Defendants and/or each of them.
16. Once the Plaintiff was outside the south exit, the Defendants attacked him, knocked him down and hit and kicked him repeatedly, severely injuring him.
17. The Defendants also dragged him on the cement during their attack.
18. The Plaintiff was taken to the hospital and treated for injuries caused by the attack.

Count 1: Assault

20. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.
21. The Defendants and/or each of them intended to cause harmful and/or offensive contact with the Plaintiff, and/or an imminent apprehension of such contact and the Plaintiff was put in such imminent apprehension.

22. As a result, the Plaintiff suffered injuries and damages.

Count 2: Battery

23. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

24. During the assault of the Plaintiff, the Defendants and/or each of them made harmful contact, repeatedly, with the Plaintiff.

25. As a result, the Plaintiff suffered injuries and damages.

Count 3: Intentional Infliction of Emotional Distress

26. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

27. The Defendants' and/or each of their conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. As a direct and proximate result of that conduct, the Plaintiff experienced physical and emotional pain and suffering.

Count 4: Civil Conspiracy

28. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

29. The Defendants conspired to assault and batter the Plaintiff; their actions were unlawful and overt, they agreed to this action, carried it out, and the Plaintiff was severely injured as a direct and proximate result.

Count 5: Negligent Infliction of Emotional Distress

30. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

31. The Defendants and/or each of them negligently inflicted emotional distress on the Plaintiff by their actions and/or failure to intervene in the assault and battery of the Plaintiff, and the Plaintiff suffered physical harm as a result.

Count 6: Negligence

32. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

33. The Defendants, and/or each of them had a duty to not harm the Plaintiff; they and/or each of them breached that duty by their actions and/or omissions and/or failure to intervene, and the Plaintiff suffered injuries and damages as a direct and proximate result.

Count 7: Gross Negligence

34. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.

35. The Defendants, and/or each of them, acted with that course of conduct which, under the particular circumstances, discloses a reckless indifference to consequences without the exertion of any substantial effort to avoid them, and were therefore grossly negligent toward the Plaintiff, and the Plaintiff suffered injury and damages as a direct and proximate result.

Count 8: Vicarious Liability/Respondeat Superior

36. The Plaintiff repeats, re-alleges and reasserts every preceding and proceeding allegation and/or averment as if fully stated herein.
37. The Defendants and/or each of them acted within the course and scope of their employment with Mr. Hatch when they assaulted and battered the Plaintiff;
38. The assault and battery was condoned and/or consented to by Mr. Hatch;
39. As previously stated herein, Mr. Hatch participated in the assault and battery;
40. The assault and battery is the kind of action Mr. Hatch's employees were employed to perform;
41. The assault and battery by Hatch's employees was done, in part at least, to serve Hatch;
42. The actions were not unexpected by Hatch;
43. The Plaintiff suffered injury and damage as a result;
44. Hatch is liable for the conduct of his employees.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests that judgment be rendered in his favor against the Defendant for damages including, but not limited to the following:

- a. actual damages
- b. compensatory damages
- c. consequential damages
- d. incidental damages
- e. punitive damages
- f. pre-judgment interest

- g. post-judgment interest
- h. attorney fees
- i. costs and expenses
- h. all other relief deemed just and necessary by the Court.

Respectfully submitted this the 6th day of April, 2018.

Glen Kerley, Plaintiff

BY:



David Krause, Attorney for Plaintiff

DAVID KRAUSE MS Bar 101188
KRAUSE LAWDOG, LLC

P.O. Box 646
Ocean Springs, MS 39566

1216 Government Street
Ocean Springs, MS 39564
phone (228) 235-1587
krause@law-dog.com

UPD

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification Sheet	
Mississippi Supreme Court Administrative Office of Courts		Form AOC/03 (Rev 2016)	
In the <u>CIRCUIT</u> Court of <u>HARRISON</u> County - <u>2ND</u> Judicial District			
Origin of Suit (Place an "X" in one box only)			
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal			
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form			
Individual <u>KERLEY</u> <u>GLEN</u> Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____ Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated: _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____ Address of Plaintiff <u>P.O. Box 646 Ocean Springs MS 39566</u> Attorney (Name & Address) <u>DAVID KRAUSE - KRAUSE LAWDOG, LLC</u> MS Bar No. <u>101188</u> Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: _____			
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form			
Individual <u>HATCH</u> <u>TORREN "LITTLE BOOSIE"</u> Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____ Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated: _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____ Attorney (Name & Address) - If Known <u>ED A. FLECHAS</u> MS Bar No. _____			
Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet			
Nature of Suit (Place an "X" in one box only)			
<input checked="" type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Alcohol/Drug Commitment (voluntary) <input type="checkbox"/> Other <input type="checkbox"/> Child Support <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Children/Minors Non-Domestic <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Contempt <input type="checkbox"/> Debt Collection <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Ejectment <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Employment <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Eviction <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Garnishment <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Emancipation <input type="checkbox"/> Replevin <input type="checkbox"/> Other <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Modification <input type="checkbox"/> Other <input type="checkbox"/> Elections <input type="checkbox"/> Partition <input type="checkbox"/> Paternity <input type="checkbox"/> Other <input type="checkbox"/> Expungement <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Property Division <input type="checkbox"/> Other <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Other <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Bad Faith <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Fraud <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Installment Contract <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Administrative Agency <input type="checkbox"/> Other <input type="checkbox"/> Insurance <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> County Court <input type="checkbox"/> Other <input type="checkbox"/> Specific Performance <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Justice Court <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Mass Tort <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Negligence - General <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Product Liability <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Subrogation <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Other			

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

GLEN KERLEY

PLAINTIFF

vs.

CAUSE NO. A2402-2010-35

TORRENCE "LITTLE BOOSIE" HATCH;
LARRY ANDERSON; JOHN AND
JANE DOES 1-10; XYZ COMPANIES 1-10

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF HARRISON

You are hereby commanded to Summons:

Torrence "Little Boosie" Hatch
Wherever he may be found in Mississippi, Louisiana or Georgia

NOTICE TO DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS BY FILING YOUR ANSWER OR RESPONSE TO SAID COMPLAINT AS PROVIDED BY LAW AND/OR THE MISSISSIPPI RULES OF CIVIL PROCEDURE.

YOUR ANSWER OR RESPONSE TO THE COMPLAINT ATTACHED HERETO MUST BE SERVED UPON THE UNDERSIGNED COUNSEL AS PROVIDED BY LAW AND/OR THE MISSISSIPPI RULES OF CIVIL PROCEDURE WITHIN 30 DAYS OF THE DATE YOU ARE SERVED AND A COPY OF YOUR ANSWER MUST BE FILED WITH THE CLERK OF THIS COURT WITHIN A REASONABLE TIME THEREAFTER, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

DAVID KRAUSE - BAR #101188
1216 Government Street
Ocean Springs, MS 39564
(228) 235-1587

CONNIE LADNER
CIRCUIT COURT CLERK
P.O. BOX 325
BILOXI, MS 39533

By: 

Date: 4-10-2018



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

GLEN KERLEY

PLAINTIFF

vs.

CAUSE NO. A2402-2014-35

TORRENCE "LITTLE BOOSIE" HATCH;
LARRY ANDERSON; JOHN AND
JANE DOES 1-10; XYZ COMPANIES 1-10

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF HARRISON

You are hereby commanded to Summons:

Larry Anderson

Wherever he may be found in Mississippi, Louisiana, or Georgia

NOTICE TO DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS BY FILING YOUR ANSWER OR RESPONSE TO SAID COMPLAINT AS PROVIDED BY LAW AND/OR THE MISSISSIPPI RULES OF CIVIL PROCEDURE.

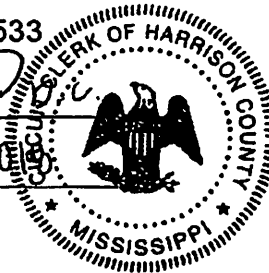
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1216 Government Street
Ocean Springs, MS 39564
(228) 235-1587

CONNIE LADNER
CIRCUIT COURT CLERK
P.O. BOX 325
BILOXI, MS 39533

By: 

Date: 4-6-2018



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

GLEN KERLEY

PLAINTIFF

vs.

CAUSE NO. A2402-2018-35

TORRENCE "LITTLE BOOSIE" HATCH;
LARRY ANDERSON; JOHN AND
JANE DOES 1-10; XYZ COMPANIES 1-10

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF HARRISON

TO ANY PROCESS SERVER: GREETINGS

We command you to summon:

CITY OF BILOXI POLICE DEPARTMENT
Attn: Chief John Miller
170 Porter Avenue
Biloxi, Mississippi

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or at the law office of Krause Lawdog, LLC, 1216 Government Street, Ocean Springs, Mississippi 39564 ON OR BEFORE *ten days after service*, which concerns the incident that Biloxi Police responded to involving Torrence "Little Boosie" and/or Larry Anderson at Edgewater Mall, outside Dillards department store, on or about April 9, 2017:

1. Dash cam (audio and video) of patrolman on the scene of the incident;
2. Dash cam (audio and video) of all officers who responded and appeared on the scene;
3. Body cam (audio and video) of all officers who were present on the scene;
4. Dispatch report, call log, records of the incident, and any audio made;
5. All video surveillance obtained;
6. All evidence obtained
7. All other video and recorded media obtained, including photographs
8. Arrest record of Mr. Hatch
9. Arrest record of Mr. Anderson

10. Arrest record of any and all other persons involved, or purported to be involved in the incident.

HEREIN FAIL NOT, UNDER THE PENALTY IN SUCH CASE PROVIDED, and have you then and there this writ.

WITNESS MY SIGNATURE AND SEAL OF THIS OFFICE, this the 6TH day of APRIL, 20178.

DAVID KRAUSE - BAR #101188
1216 Government Street
Ocean Springs, MS 39564
(228) 235-1587

CONNIE LADNER, CIRCUIT CLERK
P.O. BOX 325
BILOXI, MS 39533

By: _____

